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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,423	03/28/2001	Jeff W. Parish	PALM-3575.US.P	3661

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WAGNER, MURABITO & HAO LLP
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EXAMINER

SCHLAIFER, JONATHAN D

ART UNIT PAPER NUMBER

2178

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/821,423	Applicant(s) PARISH ET AL.	
	Examiner Jonathan D. Schlaifer	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to an amendment to application 09/821,423 filed on 9/24/2004.
2. Claims 1-28 are pending in the case. Claims 1, 12, and 18 are independent claims.
3. All rejections under 35 U.S.C. 102 are withdrawn as required by amendment.
4. All rejections under 35 U.S.C. 103 except 4 and 21 are withdrawn as required by amendment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-3 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson (USPN 5,608,850—filing date 3/4/1997), further in view of Murray.**
6. **Regarding independent claim 1**, Robertson discloses a method of record selection (In col. 13, lines 25-45, objects are selected) comprising the steps of: displaying at least one of a plurality of record entries on a display (in col. 13, lines 25-45, the objects are displayed); recognizing a contact point on said display marking a first start point on a first record entry (in col. 13, lines 35-45, mouse pointer displacement is used to select objects); recognizing the contiguous displacement of said contact point on said display horizontally across said first record entry to a first end point (in col. 13, lines 35-45, mouse pointer displacement is used to select objects); determining if a first distance between said first start point and said first end point exceeds a distance delta; and

automatically selecting said first record entry provided said first distance exceeds said distance delta (this is inherently a part of Robertson's selection process as described in col. 13, lines 25-45, with delta taken to be 0). Robertson fails to disclose that physical contact is made with said display. However, Murray discloses that styluses are typical pointing devices with the advantage of permitting the functionality of pen based computing and offering a user-friendly interface. It would have been obvious to one of ordinary skill in the art at the time of the invention to use styluses, which inherently involve physical contact, in the manner of Murray in the context of Robertson because they are typical pointing devices with the advantage of permitting the functionality of pen based computing and offering a user-friendly interface.

7. **Regarding dependent claim 2**, Robertson fails to teach that the first start point is located to the left of said first end point as displayed upon said display. However, it was notoriously well known in the art at the time of the invention that some languages are read from left to right and hence it would be natural to select from left to right for one who read such languages. It would have been obvious to one of ordinary skill in the art at the time of the invention to select from left to right because it would be natural for one who reads in this manner.
8. **Regarding dependent claim 3**, Robertson fails to teach that the first start point is located to the right of said first end point as displayed upon said display. However, it was notoriously well known in the art at the time of the invention that some languages are read from right to left and hence it would be natural to select from right to left for one who read such languages. It would have been obvious to one of ordinary skill in the art

at the time of the invention to select from right to left because it would be natural for one who reads in this manner.

9. **Regarding independent claim 18**, it is a system that performs the method of claim 1 and is rejected under similar rationale.
10. **Regarding dependent claim 19**, it is a system that performs the method of claim 2 and is rejected under similar rationale.
11. **Regarding dependent claim 20**, it is a system that performs the method of claim 3 and is rejected under similar rationale.
12. **Claims 4 and 21 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson, further in view of Murray.**
13. **Regarding dependent claim 4**, Robertson fails to disclose that said contact point is made by putting a stylus down on said display. However, Murray discloses that styluses are typical pointing devices with the advantage of permitting the functionality of pen based computing and offering a user-friendly interface. It would have been obvious to one of ordinary skill in the art at the time of the invention to use styluses in the manner of Murray in the context of Robertson because they are typical pointing devices with the advantage of permitting the functionality of pen based computing and offering a user-friendly interface.
14. **Regarding dependent claim 21**, it is a system that performs the method of claim 4 and is rejected under similar rationale.

- 15. Claims 5 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson, further in view of Murray, further in view of Michaels (USPN 6,240,167 B1—filing date 1/19/1999).**
- 16. Regarding dependent claim 5,** Robertson and Murray fail to disclose that multiple record entries are displayed in line-item form. However, in col. 11, lines 64-67 and col. 12, lines 1-20, Michaels displays records in line item form in order to portray data in an elegant, organized form that groups related data together. It would have been obvious to one of ordinary skill in the art at the time of the invention to use line item form in the context of Michaels in order to portray data in an elegant, organized form that groups related data together.
- 17. Regarding dependent claim 22,** it is a system that performs the method of claim 5 and is rejected under similar rationale.
- 18. Claim 6 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson, further in view of Murray, further in view of Michaels, further in view of Johnson, Jr. et al. (USPN 6,240,167 B1—filing date 1/19/1999), hereinafter Johnson, Jr.**
- 19. Regarding dependent claim 6,** Robertson, Murray and Michaels fail to disclose the step of displaying in reverse video format the selection of said first record entry in line-item format. However, Johnson, Jr., in col. 3, lines 25-35 discloses that selected items may be displayed in reverse video to provide the user with obvious visual feedback about what is selected. It would have been obvious to one of ordinary skill in the art at the time of the invention to display the selected line-items in reverse video as in Johnson, Jr. in the

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context of Robertson, Murray and Michaels to provide the user with obvious visual feedback about what is selected.

20. **Regarding dependent claim 23**, it is a system that performs the method of claim 4 and is rejected under similar rationale.

21. **Claims 7-11 and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson, further in view of Murray, further in view of Michaels, further in view of Chester, Thomas, and Robert Alden, Mastering Excel 97, 1997, Sybex, 4th Edition, pages 66-67, hereinafter Chester.**

22. **Regarding dependent claim 7**, Robertson, Murray, and Michaels fail to disclose a method comprising the steps of recognizing the contiguous displacement of said contact point on said display to a second record entry, said contact point continuing through as many contiguous record entries as displayed on said display between said first and second record entries; and automatically selecting a first contiguous group of record entries comprising said first and second record entries and all contiguous record entries as display between said first and second record entries. However, the selection process for Excel, as disclosed on pages 66-67 of Chester behaves in a manner in accordance with the claim when the CTRL key is held down, in that "multiple ranges" are selected. The advantage of such selection is convenient selection of multiple large groups of cells. It would have been obvious to one of ordinary skill in the art at the time of the invention to allow the selection of multiple contiguous ranges of cells as in Chester in the context of Robertson and Michaels because this would allow convenient selection of multiple large groups of cells.

23. Regarding dependent claim 8, Robertson, Murray, and Michaels fail to disclose a method comprising the steps of recognizing the absence of said contact point marking a second end point located at said second record entry; recognizing the presence of said contact point of said display at a third record entry, marking a second start point; recognizing the contiguous displacement of said contact point on said display horizontally across said third record entry to a third end point; determining if a second distance between said second start point and said third end point exceeds said distance delta; and automatically selecting said third record entry provided said second distance exceeds said distance. However, the selection process for Excel, as disclosed on pages 66-67 of Chester behaves in a manner in accordance with the claim when the CTRL key is held down, in that “multiple ranges” are selected. That is, it is not necessary to have a second mouse click after the first one in the first part of the selection because the mouse button will have been held down. The advantage of such selection is convenient selection of multiple large groups of cells. It would have been obvious to one of ordinary skill in the art at the time of the invention to allow the selection of multiple contiguous ranges of cells as in Chester in the context of Robertson, Murray, and Michaels because this would allow convenient selection of multiple large groups of cells.

24. Regarding dependent claim 9, Robertson, Murray and Michaels and Chester fail explicitly disclose the content of the claim but it modifies the claim in a manner analogous to the way in which claim 2 modifies claim 1 and is rejected under similar rationale.

25. **Regarding dependent claim 10**, Robertson, Murray, and Michaels fail to describe a method, said method comprising the further steps of recognizing the contiguous displacement of said contact point to a fourth record entry, said contact point continuing through as many contiguous record entries as displayed on said display between said third and fourth record entries; and automatically selecting a second contiguous group of record entries comprising said third and fourth record entries and all contiguous record entries as displayed between said third and fourth record entries. However, the selection process for Excel, as disclosed on pages 66-67 of Chester behaves in a manner in accordance with the claim when the CTRL key is held down, in that “multiple ranges” are selected. That is, multiple groups would be selected by multiple “strokes” of the mouse. The advantage of such selection is convenient selection of multiple large groups of cells. It would have been obvious to one of ordinary skill in the art at the time of the invention to allow the selection of multiple contiguous ranges of cells as in Chester in the context of Robertson and Michaels because this would allow convenient selection of multiple large groups of cells.

26. **Regarding dependent claim 11**, Robertson, Murray, and Michaels fail to describe a method wherein said first contiguous group of record entries is discontinuous from said second contiguous group of record entries. However, the selection process for Excel, as disclosed on pages 66-67 of Chester behaves in a manner in accordance with the claim when the CTRL key is held down, in that “multiple ranges” are selected. That is, multiple groups would be selected by multiple “strokes” of the mouse. The advantage of such selection is convenient selection of multiple large groups of cells. It would have

been obvious to one of ordinary skill in the art at the time of the invention to allow the selection of multiple discontinuous ranges of cells as in Chester in the context of Robertson and Michaels because this would allow convenient selection of multiple large groups of cells.

27. **Regarding dependent claim 24**, it is a system that performs the method of claim 7 and is rejected under similar rationale.
28. **Regarding dependent claim 25**, it is a system that performs the method of claim 8 and is rejected under similar rationale.
29. **Regarding dependent claim 26**, it is a system that performs the method of claim 9 and is rejected under similar rationale.
30. **Regarding dependent claim 27**, it is a system that performs the method of claim 10 and is rejected under similar rationale.
31. **Regarding dependent claim 28**, it is a system that performs the method of claim 11 and is rejected under similar rationale.
32. **Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson, further in view of Murray, further in view of Michaels.**
33. **Regarding independent claim 12**, its limitations combine the limitations of claim 1, 4, and 5, and the claim is rejected under similar rationale.
34. **Regarding dependent claim 13**, it is essentially analogous to claim 4, and is rejected under similar rationale.

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35. **Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson, further in view of Murray, further in view of Michaels, further in view of Chester.**
36. **Regarding dependent claim 14,** it is essentially analogous to claim 7, and is rejected under similar rationale.
37. **Regarding dependent claim 15,** it is essentially analogous to claim 8, and is rejected under similar rationale.
38. **Regarding dependent claim 16,** it is essentially analogous to claim 10, and is rejected under similar rationale.
39. **Regarding dependent claim 17,** it is essentially analogous to claim 11, and is rejected under similar rationale.

Response to Arguments

40. Applicant's arguments filed 9/24/2004 have been fully considered but they are not persuasive.
41. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 4,933,660 (filing date 10/27/1989)—Wynne, Jr.

USPN 5,319,858 (filing date 12/11/1991)—Coy

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan D. Schlaifer whose telephone number is (571) 272-4129. The examiner can normally be reached on 8:30-5:00, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS


STEPHEN S. HONG
PRIMARY EXAMINER